

REMARKS

Claims 1-10 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mortensen et al. (U.S. Pat. No. 5,563,804) in view of Plog (U.S. Pat. No. 6,414,724). This rejection is respectfully traversed.

Claim 1 recites “overlaying the caption image on a digital service image, obtaining a mingled image with the caption, encoding the mingled image, and transmitting the encoded mingled image.”

The Examiner acknowledges that Fig. 3 of Mortensen fails to anticipate the above limitations, but asserts that “Fig 1 of Mortensen illustrates an embodiment wherein the video and caption data are separated and then formatted for transmission along the network 6 to the users.” Applicant respectfully traverses the Examiner’s assertion.

Mortensen states, in the Brief Description of the drawings section,

Fig.1 is a diagrammatical view of one preferred embodiment of the system of the present invention, for use in providing closed captioning to a computer network;

Fig.2 is a diagrammatical view of another preferred embodiment of the system of the present invention, for use in providing video clips to a computer network; and

Fig.3 is a diagrammatical view of another preferred embodiment of the system of the present invention for use in providing both closed captioning and video clips to a computer network.

In other words, Fig. 3 of Mortensen appears to show a complex scenario including the scenarios of Fig.1 and Fig.2.

In the final Office action, the Examiner states

[r]egarding the concept of encoding the mingled image, Mortensen does not explicitly recite “encoding” per se, however, does recite the concept of transmitting a video and caption data (i.e., as argued one object) as shown in Fig. 1, over the network, which could easily be modified to provide encoded (or encrypted) data over the network in order to provide the data in a medium suitable to be received by the users. Thus the examiner takes “OFFICIAL NOTICE” that the encoding of data which is to be received is conventional in the art for the reason/advantages as stated above.

The Examiner appears to assert that Fig.1 of Mortensen discloses transmitting a video and caption data as one object over the network. Applicant respectfully traverses the Examiner’s assertion.

As discussed above, Mortensen states that “Fig.1 is a diagrammatical view of one preferred embodiment of the system of the present invention, for use in providing closed captioning to a computer network.” In other words, Fig.1 of Mortensen at best appears to show that only closed captioning is provided to a computer network, rather than both the video and caption data are provided to the computer network.

Further, at column 3, lines 1 to 3, Mortensen states “[f]or lines of CC text received from the CC formatter, the formatter name and the CC information 9 is sent to all participants.” One of ordinary skill in the art can appreciate that only the CC text may be received from the CC formatter.

At column 3, lines 16-19, Mortensen states that, “[t]he CC Formatter System 3 proceeds to accept data from a Closed Caption Decoder 2, to rearrange the data for display in a caption window 10, and to send it, through the network 6 to the Conference

Manager 4.” Again, Mortensen at best appears to show that only caption is output from the CC Formatter System 3.

Moreover, at column 3, lines 22-25 Mortensen states that, “[t]he Closed Caption Decoder 2 is connected to a Television Video Signal Tuner 1 that is tuned to a channel that carries Closed Caption material appropriate for the pending conference. It extracts out of the NTSC signal the CC characters and sends them on to the CC Formatter System 3.” Mortensen at best appears to show that the NTSC signal, i.e., the video signal, is adopted to extract CC characters to be sent to the CC Formatter System 3 instead of being transmitted to the CC Formatter System 3 with the caption information.

In view of the foregoing, Fig.1 of Mortensen at best appears to show only caption is output from the CC Formatter System 3 and sent to the network 6, which is contrary to the Examiner’s assertion.

Furthermore, after carefully reviewing all the descriptions related to Fig.1 in Mortensen, Applicant can find no mention of features analogous to the limitation “B. providing a caption overlaying module, overlaying the caption image on a digital service image, obtaining a mingled image with the caption, encoding the mingled image, and transmitting an encoded mingled image” of claim 1.

Thus, Applicant submits that Mortensen fails to teach or suggest claim 1 of the present invention.

Applicant further submits that Plog at best appears to discuss how to use a circuit to generate the actual color display for a graphics display with a foreground and a background. Plog shows a very specific method for displaying transparent background from a microcosmic point of view.

Claim 1 is directed to a mingled image that is obtained by overlaying the caption image on the digital service image. One of ordinary skill in the art would appreciate that the encoded mingled image is transmitted as one object, that is, the encoded mingled image is transmitted using one code flow. Subsequently, at the receiving side, the encoded mingled image is decoded by a decoder as one object. In other words, the caption image is shown with the digital service image as one object to the user. In one or more of the many embodiments of claim 1, it is unnecessary for the decoder at the receiving side to distinguish and separate the caption image mingled and carried in the digital service image. The decoder at the receiving side does not need to perform any additional work, thus, no synchronization of the digital service image and the caption image is needed for devices at the receiving side.

In view of the forgoing, Applicant submits that claim 1 and its dependent claims 2-6 define over the art cited by the Examiner. Independent claim 7 recites distinguishing features similar to those of claim 1. Thus, claim 7 and its dependent claims 8-10 define over the art cited by the Examiner for one or more of the reasons set forth above regarding claim 1.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and

favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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